

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

SECOND AMENDMENT FOUNDATION,
et al.,

Plaintiffs,

v.

BUREAU OF ALCOHOL, TOBACCO,
FIREARMS, AND EXPLOSIVES, *et al.*,

Defendants.

No. 3:21-cv-0116-B

JOINT STATUS REPORT

Pursuant to this Court's December 28, 2021 order, the parties respectfully submit the following status report.

On May 21, 2021, defendants (with plaintiffs' consent) moved to stay proceedings in this matter in light of the President's announcement that the United States Department of Justice would be issuing "a proposed rule to make clear when a device marketed as a stabilizing brace effectively turns a pistol into a short-barreled rifle subject to the requirements of the National Firearms Act." ECF No. 24. The Court granted the motion on May 24, 2021, and held all further proceedings in abeyance. ECF No. 25.

On June 10, 2021, defendants published in the Federal Register a proposed rule on "Factoring Criteria for Firearms With Attached 'Stabilizing Braces,'" 86 Fed. Reg. 30,826 (June 10, 2021). The proposed rule provided for a 90-day public comment period, during which the agency received 211,564 comments. The agency has since processed all of those comments, and is currently in the process of drafting the final rule, which includes preparing responses to comments and engaging in other deliberative activities.

At present, and consistent with an agency notice published under 87 Fed. Reg. 5,112 (Jan. 31, 2022), the agency anticipates publishing a final rule in August 2022. It therefore needs more than 90 days from the date of this filing to complete its work at this stage of the rulemaking process.

Accordingly, in the interest of judicial economy and conservation of party resources, the parties have conferred and agree that proceedings in this matter should continue to be held in abeyance. The parties respectfully request that they be permitted to file an additional joint status report on or before June 27, 2022, indicating whether this matter should remain stayed. In the event that the parties are of the view that the stay should be lifted, they will include in the joint status report a proposed schedule for continuing this litigation.

Dated: March 28, 2022

Respectfully submitted,

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/s/ Jody D. Lowenstein
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CERTIFICATE OF CONFERENCE

The parties conferred about the relief requested herein and are in agreement about it.

/s/ Jody D. Lowenstein
JODY D. LOWENSTEIN
Trial Attorney
U.S. Department of Justice

CERTIFICATE OF SERVICE

On March 28, 2022, I electronically submitted the foregoing document with the Clerk of Court for the U.S. District Court, Northern District of Texas, using the Court's electronic case filing system. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Jody D. Lowenstein
JODY D. LOWENSTEIN
Trial Attorney
U.S. Department of Justice